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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,452	11/12/2003	Dominic Cloccarelli	50006076-2	8000
7590	06/05/2007		EXAMINER	
HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400			SEYE, ABDOU K	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/706,452	CLOCCARELLI, DOMINIC
	Examiner	Art Unit
	Abdou Karim Seye	2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 April 2007.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-28 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 12 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
 WILLIAM THOMSON  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 2100

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 04/04/2005.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on April 04, 2007 has been received and entered. The amendment amended Claims 1,3-6,8,12-14,16-17,19,22-23 and 25-27 . The currently pending claims considered below are Claims 1-28.

### ***Claim Objections***

2. Claim 27 is objected to because of the following informalities:

Claim 27 is a method claim that contains this expression " a method or system ". The examiner considers the element "system" of the claim as a typographical error from the applicant. Therefore dependent claim 28 is also affected by this claim objection.

A correction is required.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 22 is non statutory. In view of Applicant's disclosure, specification (page 5, lines 3-11) the claimed system is constructed of software program instructions. Thus, the claimed system comprising of means is considered as software program containing

machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized... "

Claim 23 is non statutory. In view of Applicant's disclosure, specification (page 9, lines 11-28) the claimed system is constructed of software program instructions. Thus, the claimed system comprising of an inspector; an interpreter; a local invocation means and a carrier is considered as software program containing machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized... "

Claim 24 is also rejected for failing to remedy the deficiencies of the above rejected non statutory claim 23.

Claims 25 is non statutory. In view of Applicant's disclosure, specification, the system (server) comprising of means to generate introspection data is constructed of software program instructions. Thus, the claimed client is considered as a software program containing machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized...".

Claims 26 is non statutory. In view of Applicant's disclosure, specification, the system (client) comprising of a receiver and an interpreter is constructed of software program instructions. Thus, the claimed system (client) is considered as a software program containing machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and

other claimed elements of a computer which permit the computer program's functionality to be realized... ".

Claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. § 101 for computer program claims and claims that recite a judicial exception (software) is that the claimed invention recite a product stored in a computer storage media.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8, 16-17 and 19-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Foti. (US7181745).

Claim 1, Foti, teaches a remote object invocation system, product and method for invoking a method of a remote object; comprising the steps of:

producing remote object data associated with the remote object to discover an object interface dynamically (Fig. 1; col. 6, lines 1-19, lines 50-55); interpretatively establishing a proxy object using the remote object data; at runtime of client software, the proxy object bearing an associated proxy method corresponding to the method of remote object (Fig. 1: 18; col. 6, lines 10-19); invoking, in response to an action of the client software, the proxy object method (col. 4, lines 38 and lines 45-52; where beans includes properties and methods); conveying invocation data associated with the invocation of the proxy method to the remote object (Fig. 1:40, col. 6, lines 20-25; message data) invoking, in response to the invocation data, the method of the remote object (Fig. 1 and 2, col. 6, lines 45-54) ; and returning invocation result data to the client software via the proxy object (Fig 1 and 2: 14 and 54; event responder).

Claim 2, Foti, teaches that, producing the remote object data comprises the step of introspecting the remote object to produce introspection data and in which the remote object method data comprises the introspection data produced by said introspecting (col. 6, lines 33-54).

Claim 3, Foti, teaches, the step of creating an object descriptor for the remote object (Fig. 1: 32, col. 6, lines 50-54; where the adapter class object is the object descriptor).

Claim 4, Foti, teaches,

the step of creating the object descriptor for the remote object comprises the step of storing the object descriptor in a cache for later retrieval, the later retrieval being responsive to a request to create an instance of the remote object ( col. 6, lines 64-67).

claim 5, Foti, teaches,

the step of determining whether or not an instance of the remote object has been created and in which the step of creating the object descriptor is responsive to a determination that an instance of the remote object has not been created (col. 6, lines 55-67).

Claim 6, Foti, teaches,

the step of generating location data to facilitate location of a corresponding instance of the remote object (col. 7, lines 1-3 and lines 25-27; reference to data).

Claim 7, Foti, teaches,

the step of generating the location data comprises the step of generating an identifier associated with the corresponding instance of the remote object (col. 6, lines 20-30 and lines 64-67; col.8, lines 20-25).

Claim 8, Foti, teaches,

The step of instantiating the remote object ( Fig. 1; col. 4, line 30-35; col. 5, lines 15-21; col. 6, 45-50).

As per claims 16-17, 19-26; they are rejected for same reasons as the claims above.

### **Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 9-15 and 18 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Foti, (US7181745) in view of Carlson et al (US 20030056022).

Claims 9 ,10 and 11, Foti, teaches the step of instantiating the remote object and bean classes as in claim 8 above but, he does not explicitly disclose predetermined characteristic such as stateless and stateful for the beans remote object. However, in the same field of endeavor Carlson discloses characteristics such as stateless/stateful session beans initiated through a user transaction interface (p. 1, paragraph 11 and 21). It would be obvious to one having ordinary skill in the art at the time the invention was

made to modify Foti's invention with Carlson's invention to include stateless and stateful characteristics for the remote object beans within J2EE platform. One would have been motivated to include predetermine characteristics such as stateless and stateful in the step of instantiating a remote object in order to provides a computer program, preferably in Java, to include primary and secondary storage and permanent and volatile memory, for enabling a configurable persistent Java class (Carlson, p. 4, paragraph 39).

Claim 12, Foti, teaches,

the step of instantiating is performed in response to initialisation of a system hosting the remote object ( col. 9, lines 60-67).

Claim 13, Foti, teaches,

prior to the step of instantiating, the step of determining whether or not remote object is permitted to be instantiated and in which the step of instantiating is performed in response to determining that the remote object is permitted to be instantiated (col. 10, lines 3-20).

claim 14, Foti, teaches,

the step of encapsulating the remote object data within a data structure ( col. 6, lines 30-32; C++). The claimed element "C++" of Foti's reference meet the claimed limitation of the claim.

Claims 15,18, Foti, teaches the step as in claim 14 above, but he does not explicitly teach that the data structure is an XML file. However, in the same field of endeavor Carlson discloses XML file that can be input to the J2EE platform (p. 4, paragraph 41). It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Foti's invention with Carlson's invention to code the class object in XML. One would have been motivated to code the class object in XML in order to allow the passing of immutable objects and the definition of dynamic properties for class objects (Carlson; paragraph 26 and 41).

#### ***Response to Arguments***

8. Applicant's arguments filed on April 04, 2007 have been fully considered but they are not persuasive.
  - a. Claim 26: Applicant amended claim 26 to overcome the 101 rejection. However, the examiner notes that the receiver element of the claim is not known in view of applicant's specification, therefore it could be a piece of software.

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ibert et al(US 20030195997), discloses a Generic connector between vitria and an EJB compliant API for an application .

Apte et al(US 6289395), discloses a generic java-based event processor for scripting java beans.

Broussard et al(US 6912710 ), Discloses a round-trip maintenance of software configuration.

Apte et al(US 20040153847), discloses an object introspection for first failure data capture.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

AKS  
May 23, 2007

  
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